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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **O.M.P. (E) (COMM.) 12/2017**

ATEN PORTFOLIO MANAGERS PVT LTD Petitioner

Through Mr Amitabh Chaturvedi, Advocate.

versus

CANDOR GURGAON TWO DEVELOPERS &
PROJECTS PVT LTD

..... Respondent

Through Mr Rajiv Nayar, Senior Advocate with
Mr Rajat Jariwal and Mr Aakash Bajaj, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **26.05.2017**

IA No. 6279/2017

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

O.M.P. (E) (COMM.) 12/2017

3. This is petition filed under Section 27 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that summons be issued to two witnesses, namely, Mr Anuj Ranjan and Mr Karthik Subramani, both Directors of the M/s Candor Gurgaon Two Developers & Projects Pvt. Ltd. (formerly known as Unitech Developers & Projects Ltd). The Arbitral Tribunal had by an order dated 02.05.2017 allowed the petitioner's application for summoning the two witnesses and had permitted the petitioner to seek assistance from this court for securing the presence of

the witnesses.

4. After some arguments, Mr Nayar learned Senior Counsel appearing for the respondent, on instructions, states that there would be no difficulty in recording of the evidence of the two witnesses by video conferencing as they are currently in United States of America. The said suggestion is acceptable to the learned counsel for the petitioner.

5. Accordingly, with the consent of the parties, it is directed that the two witnesses named above shall make themselves available for video conferencing as per the schedule fixed by the arbitrator. Needless to state that the petitioner shall endeavour to conclude the evidence as far as possible on the first day itself.

6. The cost for the video conferencing shall be borne by the respondent, Candor Gurgaon Two Developers & Projects Pvt. Ltd. (formerly known as Unitech Developers & Projects Ltd).

7. The petition is disposed of with the aforesaid direction.

VIBHU BAKHRU, J

MAY 26, 2017

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